**WHY AND HOW A GREENLIGHT LAW
WILL REDUCE PREVENTABLE HARMS
TO US CITIZEN CHILDREN
IN NEW YORK STATE.
3-9-19**

Expanded Databrief, with Specific County Level Data 4-15-19.

By Prof. Rob Smith (Marxe School of Public and International Affairs, Baruch College, and Sociology Department, Graduate Center, CUNY; Guillermo Yrizar (Graduate Center, CUNY); and MIDA research team[1].

DATABRIEF -- WHY AND HOW A GREENLIGHT LAW WILL REDUCE PREVENTABLE HARMS TO US CITIZEN CHILDREN IN NEW YORK STATE. 3-9-19
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This databrief analyzes how and why the inability of undocumented parents to get a driver's license harms their US citizen children, in the short and long term. It presents individual cases, including "Juana's" (a pseudonym) case, to show *how* these harms take place, and their impacts on children and families. And it shows the overall profile of the families of these US citizen children and New York State residents, and analyzes why these New York State families are so vulnerable to harm, and how a Greenlight Law would substantially remedy all these harms.[1]

JUANA's CASE: HOW DOES THE LACK OF A DRIVER'S LICENSE CAUSE PREVENTABLE HARM TO US CITIZEN CHILDREN IN NEW YORK STATE?

"The last time I got stopped, like they (her children) were crying really bad. (Now) they see the cops, and they are like 'Mommy, you got to hide, you got to hide!' .... My son still remembers, and that was 5 or 6 years ago… My five year old wakes my up at night, saying, 'I had a bad dream they had deported you.' And my ten year old told me he can't concentrate at school, because he's thinking about it if I will come home from work (or get deported)… He was failing school, he was supposed to repeat (fifth grade). (Getting) a license…will be a lot better and secure because then I know for sure I'm not getting deported any minute and leaving my kids behind."
In this quote, Juana describes several kinds of PREVENTABLE HARM that could be decreased if she could get a driver's license.

PREVENTABLE HARM 1: US Citizen Children fear and mistrust the police. Juana's US citizen children now cry whenever they see the police. Because the police arrested Juana while her children were present, while driving them home from a doctor's visit, and they understand that that arrest could have led to their mother's deportation. Juana's only legal infraction is driving without a license. Children's lack of trust in, and more importantly fear of, the police is a serious consequence of New York parents not being able to access drivers licenses. No police officer wants young children to fear him/her. Indeed, many law enforcement leaders have set internal policies instructing officers not to inquire about immigration status in routine interactions with the public, to ensure the trust of the people they protect and serve. General mistrust of the police by large swaths of the public harms community safety.

Preventable Harm 1 *-- Traffic Stops→children's intense fear of police mother's deportation →harms New York State communities→harms child development.*

Juana's Children's (and Other US Citizen Children's) Fear the Police Will Take Their Parents Is Well-Founded
- In New York State, 69% of those deported (68,799 of 100,614 people; 2002-2017) had not been convicted of any crime, according to USCIS data.
- In 3 of 4 counties where we are doing research (Orange, Nassau, Suffolk, Westchester), *No Conviction*, and *Traffic Offense* are two of the top five causes for deportation[2].
- In three of these counties, the *local* police or other authorities (e.g. sheriff) turn over the most people to ICE.
- In one county, it is state authorities (e.g. state troopers) who turn over the highest number, with local authorities being second.
- Our data show that the percentage of all encounters being due to traffic stops is higher in counties where immigrants report being targeted more. The percentage of all encounters with any

authorities is the highest in Orange County (60%), then Suffolk County (51%), then Nassau (45%), and then Westchester (35%; the rate in New York City is 25%). The fears of these US citizen children make sense.

PREVENTABLE HARM 2: Juana's US Citizen children suffer toxic stress and other short and long term emotional harm, and struggle in school.   Juana's five year old's nightmares and her ten year old's inability to focus on school, for fear of their mother being deported and being separated from her, are examples of the toxic stress and emotional harm that can affect children's physical, emotional, and psychological development. Reports from The American Psychological Association, the Center for the Developing Child at Harvard University, and others, show that separation from parents, or chronic fear of it, can cause symptoms like Juana's children exhibited, and can do long term harm to child brain development and emotional and social well-being.

Preventable Harm 2 -- Traffic Stops➔ harms US citizen children's ability to sleep, do well in school; and ➔ harms short and long term psychological, emotional, and brain development.

PREVENTABLE HARM 3: Juana's Family Loses 20% of Its Earned Income. After Juana's many tickets, she and her husband sold their car, which had cost about $300/month to insure and maintain, and *now pay $910 of their combined $3000 income (working 60 hours each per week) for rides* -- to and from school, work, the doctor, etc -- a net loss of $600/month *or 20% of their total income*. Moreover, Juana's tickets prevented her from applying for Deferred Action for Childhood Arrivals (DACA), which would have enabled her get a license. She then lost the offer of a $20/hour job if she had applied for DACA, which would have more than doubled her income.   Her children now eat mainly rice, beans, cereal, and milk. A small industry has emerged providing rides for parents without driver's licenses, often times at exorbitant cost to the parents. If Juana had a driver's license, she should could drive legally, and could spend the extra $600/month on her children, rather than paying others for rides.

Preventable Harm 3 -- Traffic Stops➔ lost family income➔ impoverished US citizen children due to paying for rides instead of driving and costs of tickets.

A PORTRAIT OF MEXICAN IMMIGRANT FAMILIES IN NEW YORK STATE, AND WHY THE GREENLIGHT LAW WILL HELP THEIR US CITIZEN CHILDREN.
Our data show why and how US citizen and New York State residents are harmed by their parents inability to get a driver's license.
- 89% of undocumented parents in New York State have an oldest child who is a US citizen; more have a second child who is a US citizen.
- The average child in these families is a 4-5 year old US citizen boy or girl.
- 91% of these US citizen children are age 11 or younger.
- Most parents have been in the US for over a decade. They are long term, established, New York State residents.
- Median Mexican immigrant family has 2 children, and earns $24,800/year.
- 40% reported having traffic tickets; many report getting repeatedly pulled over once the local police know their faces and that they do not have a license, and getting tickets for things they did not do (e.g. for driving without a car seat for their child, when the child was in the car seat).
- 40% reported having been fingerprinted (usually when crossing the border).
- 21% report having been detained, though only 3% report having ever been accused of a crime.
- 26% report being victims of a violent crime, versus 2% of the US overall population.

These data show why these New York State families are vulnerable, and how the Greenlight Law would help these US citizen children.   First, these are *mixed status* families, with young US citizen children, and undocumented parents. Because many parents have been fingerprinted when crossing the border (that is, fingerprinted on a first attempt to cross, then succeeding in another attempt), any interaction with the

police could signal them as deportable.   Second, because many have been detained or deported without ever having been accused of a crime suggests they are being targeted as possible undocumented immigrants, rather than arrested for criminal actions.   The hundreds or thousands of dollars they have to pay for traffic tickets is a big burden to families that live on $24,800/year. Moreover, when a parent -- usually the father and main breadwinner -- is deported, the family's income plummets, often pushing the family and the US citizen children into severe poverty. These are *preventable* harms, because enabling these long term, established New York State resident parents of US citizen children to get a driver's license would remove the primary cause of their interactions with the police -- traffic stops -- and enable them to keep more of their hard earned income. This would promote better child development and longer term life chances for these US citizen children and New York State residents.

COMPARATIVE COUNTY LEVEL STATISTICS: Orange, Suffolk, Nassau, and Westchester.

The statistics on the most serious convictions and method or agency of apprehension tell stories that sync up with what our interviewees have told us about how much they believe local police target immigrants, and how much children in those counties fear the police. We list the top five most serious convictions, and also list traffic offenses if not top five. Overall, the trend holds: No conviction, traffic offense, disorderly conduct, or driving under the influence are usually in the top five. And local law enforcement are the most common way such immigrants are turned over to ICE (CAP loca incarceration, or non-custodial arrest). "Located" indicates ICE located the person; this usually accounts for a small number of cases. Only in Westchester County, where informants report less fear of the police, does this pattern not hold.

SUFFOLK COUNTY.
The Suffolk County tables below show why immigrants there fear the police there, especially while driving. Two of the top five Most Serious Convictions are "No Conviction" (#2) and "Traffic Offenses" (#5), accounting for 19% of all ICE arrests. DUI and Disorderly Conduct are first and fourth. The only violent crime in the top five is Assault, #3. Moreover, most apprehensions are *not* because ICE has located someone in the community ("Located"). Rather, most people arrested by ICE in Suffolk County are turned over by local authorities (police or sheriff's departments) after either having been arrested and detained locally (CAP Local Incarceration) or having been arrested but never detained (jailed) Such "Non-Custodial Arrests" seem to fit most closely with the most intense fear such immigrant parents expressed to use repeatedly -- that they will be pulled over driving home from work, and turned directly over to ICE, and never see their children again, despite never having committed a crime (No Conviction). Beyond No Conviction #2), we can see that 3 of other 4 top Most Serious Convictions are relatively minor infractions (DUI, Disorderly Conduct, and Traffic Offenses), that would not, usually, justify depriving one of their liberty or separating their family. Only Assault, accounting for 9% of all cases, is a felony.

MOST SERIOUS CONVICTION FOR ICE ARRESTS SUFFOLK COUNTY 10-14 to 5-18.
DWI and No Conviction 42%. 15% no conviction . 46% if you include traffic offense.

All	*1,987*
Driving Under Influence Liquor	*531*
No Conviction	*309*
Assault	*176*
Disorderly Conduct	*74*
Traffic Offense	*70*

METHOD OF ICE ARREST SUFFOLK COUNTY 10-14 to 5-18.

Apprehension Method/Agency	**Total**
All	1,987
CAP Local Incarceration	*852*
Non-Custodial Arrest	*626*
Located	*437*
Probation and Parole	*49*
CAP Federal Incarceration	*7*

NASSAU COUNTY.

Nassau County statistics also support immigrant family's fear of the police. The top category for an ICE arrest was No Conviction (132 of 911 or 14%), meaning that one's legal status become known to the police or sheriff, and they turned you over to ICE. Three of the other four categories (DUI, Disorderly Conduct, and Traffic Offenses) include minor infractions that, while serious, would not usually lead to the loss of one's liberty and the permanent separation from one's family. Of these top five, only one, Assault, is a felony, accounting for 14% of all ICE arrests.   However, despite only 14% of ICE arrests happening due to a felony, nearly 98% of those arrested were arrested and held in custody by local police or sheriff before being turned over to ICE.   It makes sense for immigrants and their children, including US citizens, to fear the police.

METHOD OF ICE ARREST NASSAU COUNTY 10-14 to 5-18.

All	911
CAP Local Incarceration	*889*
Located	*8*
CAP Federal Incarceration	*6*
Non-Custodial Arrest	*5*
CAP State Incarceration	*3*

MOST SERIOUS CONVICTION NASSAU COUNTY 10-14 to 5-18

All	*911*
No Conviction	*132*
Driving Under Influence Liquor	*129*
Assault	*128*
Disorderly Conduct	*110*
Traffic Offense	*58*

ORANGE COUNTY

The Orange County Tables tell a similar story as those above, with DUI (42 of 150, or 28%) and No Conviction (19 of 150 or 13%) the highest categories, accounting for 41% of all ICE arrests. Three felonies (Assault 10%, Larceny, 9%; Burglary, 2%) are third, fourth and fifth. Traffic offenses are just over 1%. The large majority of cases were turned over to ICE after local or state incarceration; only 2 were Located by ICE. It makes sense to fear the police when 42% of the ICE arrests in the county resulted from No Conviction, a Traffic Offense, or DUI, and these authorities are turning people over to ICE.

Most Serious Conviction 10-14 to 5-18 Orange County NY.

All	150
Driving Under Influence Liquor	*42*
No Conviction	*19*
Assault	*15*
Larceny	*13*
Burglary	*4*
Traffic Offense	2

METHOD OF ICE ARREST Orange COUNTY 10-14 to 5-18.

All	150
CAP State Incarceration	75
CAP Local Incarceration	55
Probation and Parole	15
Located	2
CAP Federal Incarceration	1
Non-Custodial Arrest	1
Other Agency (turned over to INS)	

WESTCHESTER COUNTY.

The Westchester County Tables below show a wider distribution of causes for ICE arrest, including 3 felonies in the top five causes (Assault, 16%; Larceny, 10%; and Dangerous Drugs 4%). DUI is second, with 15%. No Conviction is 4th, with 9%, while Traffic Offenses are only 2%. Like the other counties, most ICE arrests happen through referral by the local police or sheriff's departments, and mostly due to custodial arrest. Only 3 of 255 persons ICE arrested were located by it. Again, it makes sense to fear the police when they are the main cause of deportation for so many, and when a smaller but still too high number are for No Conviction or Traffic Offenses.

MOST SERIOUS CONVICTION WESTCHESTER COUNTY 10-14 to 5-18
(top 5, plus traffic offense, if not top 5)

All	*255*
Assault	*42*
Driving Under Influence Liquor	*39*
Larceny	*25*
No Conviction	*21*
Dangerous Drugs	*10*
Traffic Offense	*6*

METHOD OF ICE ARREST WESTCHESTER COUNTY 10-14 to 5-18.

All	255
CAP Local Incarceration	186
CAP State Incarceration	61
Located	3
CAP Federal Incarceration	2
Probation and Parole	2
Non-Custodial Arrest	1

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[1] The stakes are high for New York State families and children in the Greenlight law. Of the about 940,000 undocumented persons in New York State, and about 231,000 were estimated in 2016 to have US citizen or lawful permanent resident children (and hence to have qualified for DAPA, Deferred Action for Parents of Americans and Lawful Permanent Residents; Migration Policy Institute, 2016; Randy Capps, Heather Koball, James Bachmeier, Ariel Ruiz Soto, and Julia Gelatt. 2016. *Deferred Action for Unauthorized Parents: Analysis of Potential Effects on Families and Children*). Our data focus on Mexicans in New York state, the largest segment of that population. Our data come from over 1700 InTake forms done for a large project promoting DACA (Deferred Action for Childhood Arrivals) in New York State, from Montauk to Canada, working with 15 organizations. It may be the most comprehensive database on undocumented persons in New York State. Professor Robert Smith is the Principal Investigator for the project (robert.smith@baruch.cuny.edu).

[2] DUI and Disorderly Conduct are two other of the top five; while they are offenses, they are usually not, in our view, good reason to permanently separate children from their parents.